

REGULAR MEETING OF THE BOARD OF COMMISSIONERS
CITY OF FRANKFORT, KENTUCKY

OCTOBER 10, 2002
5:00 P.M. (EST)

PRESENT: Commissioner Lynn Bowers
Commissioner Tracey Turner Thurman
Commissioner Robert Roach
Commissioner Sallye Hill Stumbo
Mayor William I. May, Jr. (5)
ABSENT: None (0)

Invocation by Mayor May.

Following roll call, it was moved by Commissioner Stumbo, seconded by Commissioner Thurman, that the reading of the minutes of September 16, 2002 Special Meeting, September 16, 2002 Work Session, and September 19, 2002 Regular Meeting be dispensed with and approved. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Bowers, Thurman, Roach, Stumbo and Mayor May (5). Voting against the motion were none (0). The motion was thereupon adopted.

Mayor's Report:

§ Month of October is Breast Cancer Awareness Month;
§ Groundbreaking for IDT Tools was held two weeks ago;
§ Fallen Firefighters Memorial event held last week;
§ Attended Homeland Security meeting in Washington, D.C.;
§ Had meeting with City Manager, Ed Powe, and other community members to discuss proposed South Frankfort Community Center.

Ceremonial Items:

- (1) Recognition for Promotions Within the Fire Department
Benjamin Boggs, II, Douglas Taylor and Scott Morgan were recognized and presented with badge and collar insignia by Mayor May and Fire Chief.
- (2) Fire Chief displayed and provided comments on 2001 Life Safety Achievement Award received by Fire Department from the Residential Fire Safety Institute.

The following personnel item was presented:

§ It was recommended that Scott Morgan be promoted from rank of Lieutenant to rank of Captain, that Douglas Taylor be promoted from rank of Sergeant to rank of Lieutenant, and that Benjamin Boggs, II be promoted from rank of Firefighter to rank of Sergeant, all to become effective October 11, 2002, Fire Department;

It was moved by Commissioner Stumbo, seconded by Commissioner Thurman, that the above listed personnel item be approved. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Bowers, Thurman, Roach, Stumbo and Mayor May (5). Voting against the motion were none (0). The motion was thereupon adopted.

Item 3.1 "AN ORDINANCE ADOPTING THE RATES OF TAXATION FIXED BY THE FRANKFORT INDEPENDENT SCHOOL BOARD ON ALL TANGIBLE PROPERTY AND PUBLIC SERVICE COMPANIES SUBJECT TO TAXATION AND LEVYING SAID TAX FOR SCHOOL PURPOSES" was presented and read. This ordinance had its first reading September 19, 2002. It was moved by Commissioner Bowers, seconded by Commissioner Thurman, that this ordinance be put upon its final adoption. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Bowers, Thurman, Roach Stumbo and Mayor May (5). Voting against the motion were none (0). The motion was thereupon adopted. (Ordinance No. 22, 2002 Series)

Item 3.2 "AN ORDINANCE OF THE CITY OF FRANKFORT, KENTUCKY, AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$2,630,000 PRINCIPAL AMOUNT OF CITY OF FRANKFORT, KENTUCKY, GOVERNMENTAL PROJECT REVENUE OBLIGATIONS, SERIES 2002; APPROVING AND

AUTHORIZING THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT BETWEEN THE CITY AND THE BOARD OF TRUSTEES OF THE KENTUCKY BAR CENTER, A TRUST INDENTURE SECURING THE REVENUE OBLIGATIONS AND RELATED DOCUMENTS; AUTHORIZING THE PUBLIC, COMPETITIVE SALE OF THE REVENUE OBLIGATIONS; AND TAKING OTHER RELATED ACTIONS" was presented and read. This ordinance had its first reading September 19, 2002. It was moved by Commissioner Thurman, seconded by Commissioner Bowers, that this ordinance be put upon its final adoption. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Bowers, Thurman, Roach Stumbo and Mayor May (5). Voting against the motion were none (0). The motion was thereupon adopted. (Ordinance No. 23, 2002 Series)

Item 5.2 "RESOLUTION/MUNICIPAL ORDER DELEGATING AUTHORITY TO THE EXECUTIVE DIRECTOR OF THE KENTUCKY BAR CENTER FOR APPROVING AND ORDERING THE AWARD OF \$2,390,000* PRINCIPAL AMOUNT OF CITY OF FRANKFORT, KENTUCKY GOVERNMENTAL PROJECT REVENUE OBLIGATIONS, SERIES 2002 TO THE LOWEST AND BEST BIDDER UPON THE OCCASION OF THE PUBLIC COMPETITIVE SALE OF SUCH OBLIGATIONS" was presented. It was moved by Commissioner Roach, seconded by Commissioner Bowers, that this resolution be adopted. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Bowers, Thurman, Roach, Stumbo and Mayor May (5). Voting against the motion were none (0). The motion was thereupon adopted. (Resolution No. 7, 2002 Series)

Item 3.3 "AN ORDINANCE AMENDING FRANKFORT MUNICIPAL CODE SECTION 13.04.090 SPECIAL CHARGES OR CLASSIFICATIONS FOR PECULIAR OR UNUSUAL USES OF THE SEWER SYSTEM" was presented and read. It was moved by Commissioner Stumbo, seconded by Commissioner Bowers, that this ordinance be put upon its first passage. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Bowers, Thurman, Roach, Stumbo and Mayor May (5). Voting against the motion were none (0). The motion was thereupon adopted.

Item 3.4 "AN ORDINANCE AMENDING ORDINANCE NO. 1, 1998 SERIES, AND FRANKFORT MUNICIPAL CODE SECTION 13.04.060 – SEWER SERVICE CHARGES BASED ON WATER USAGE " was presented and read.

Item 3.5 "AN ORDINANCE AMENDING FRANKFORT MUNICIPAL CODE SECTION 13.04.040 CONNECTION CHARGES" was presented and read.

Item 3.6 "AN ORDINANCE CLOSING PORTIONS OF LEONARDWOOD DRIVE, WOODGATE ROAD AND TUPELO TRAIL " was presented and read.

Item 4.1 "AN ORDER AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH ASHWOOD PLACE LIMITED FOR THE TRADING OF PARCELS OF LAND WHICH ARE CONTIGUOUS AND ABUT LEONARDWOOD DRIVE, AND TO PROVIDE FOR THE RELOCATION OF A PORTION OF LEONARDWOOD DRIVE" was presented. This order provides for entering into a Memorandum of Understanding to provide for the trading of parcels of land so that the City of Frankfort will own all of City of Frankfort Lot 1 and Ashwood Place Limited will own all of Ashwood Place Lot 3, and to provide for the relocation of a portion of Leonardwood Drive to permit the portion of said street adjacent to Wal-Mart property to connect with the portion of the street now intersecting with Kings Daughter Drive. It was moved by Commissioner Bowers, seconded by Commissioner Roach, that this order be adopted. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Bowers, Thurman, Roach, Stumbo and Mayor May (5). Voting against the motion were none (0). The motion was thereupon adopted. (Order No. 16, 2002 Series)

Item 4.2 "AN ORDER ADOPTING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF FRANKFORT AND FRANKLIN COUNTY FISCAL COURT FOR THE OPERATION AND MAINTENANCE OF YOUTH BALLFIELDS AT LAKEVIEW PARK" was presented. It was moved by Commissioner Bowers, seconded by Commissioner Thurman, that this order be adopted. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Bowers, Thurman, Roach, Stumbo and Mayor May (5). Voting against the motion were none (0). The motion was thereupon adopted. (Order

No. 17, 2002 Series)

Item 5.1 "RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION FOR 2002 RECREATIONAL TRAILS PROGRAM GRANT FUNDS" was presented. It was moved by Commissioner Thurman, seconded by Commissioner Bowers, that this resolution be adopted. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Bowers, Thurman, Roach, Stumbo and Mayor May (5). Voting against the motion were none (0). The motion was thereupon adopted. (Resolution No. 8, 2002 Series)

CONSENT CALENDAR. The following miscellaneous and personnel items were presented:

- 6.1 Bid Authorization: Diesel exhaust removal system (Fire Department);
- 6.2 Bid Award: Award bid for 2002 Crew Cab ½ Ton Pick Up Truck to Jeff Jones Chevrolet of Versailles, the apparent low bidder, in the amount of \$25,556.00 with funding from Sanitation Division equipment account 100.65.56550 (Public Works);
- 6.3 Bid Award: Award bid for 2002 Four-Cubic Yard Diesel Dump Truck with Snow Plow and Salt Spreader to Jeff Jones Chevrolet of Versailles, the apparent low bidder, in the amount of \$63,054.00 with funding from Street Division equipment account 100.62.56550 (Public Works);
- 6.4: Bid Award: Award bid for 25 Cubic Yard High Compaction Garbage Packer to Municipal Equipment of Louisville, the apparent low bidder, in the amount of \$85,975 with funding from Sanitation Division equipment account 100.65.56550 (Public Works);
- 6.5 Bid Award: Award bid for demolition of structure at 321 East Third Street to John Fehsal, the apparent low bidder, in the amount of \$5,992.00, with funding in the amount of \$2,600.00 from account 100.70.53295 and \$3,392.00 from contingency account 100.95.53295, and authorization for City Manager to execute the Memorandum of Agreement with John Fehsal (Planning & Building Codes);
- 6.6 Bid Award: Award bid for demolition of structure at 325 East Third Street to John Fehsal, the apparent low bidder, in the amount of 4,994.00, with funding from contingency account 100.95.53295, and authorization for City Manager to execute the Memorandum of Agreement with John Fehsal (Planning & Building Codes);
- 6.7 Other: Declare windows and doors salvaged from 101 Watson Court (acquired as part of 1997 Flood Disaster Recovery Project) as surplus property and authorize solicitation for bids for sale of the items in accordance with the Memorandum of Agreement executed between the State Historic Preservation Office and the City of Frankfort (Office of City Manager);
- 6.8 Personnel:
 - < Accept retirement of Officer Rick Carrier effective September 30, 2002, and authorize payment of 226 hours accrued vacation leave and 55 hours accrued holiday leave (Police Department);
 - < Employment of Dustin Bowman and Paul Wise as Patrol Officer effective October 22, 2002 (Police Department);
 - < Confirmation of Scott True in position of Firefighter effective October 15, 2002 (Fire Department);
 - < Reclassification of Mark McKinney from position of Maintenance Worker I, Sanitation Division, to position of Bus Driver, Transit Division, effective October 15, 2002 (Public Works);
 - < Employment of Thomas Downey and William Edington in position of Maintenance Worker I effective October 14, 2002 (Public Works);

It was moved by Commissioner Bowers, seconded by Commissioner Thurman, that all of the above listed miscellaneous and personnel items be approved. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Bowers, Thurman, Roach, Stumbo and Mayor May (5). Voting against the motion were none (0). The motion was thereupon adopted.

Item 7.1 Upon recommendation of Mayor May, it was moved by Commissioner Thurman, seconded by Mayor May, that Boyce A. Crocker be appointed to the Electric & Water Plant Board for a term to expire September 23, 2006, replacing Clyde Baldwin whose term has expired. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioner Thurman and Mayor May (2). Voting against the motion were Commissioners Bowers, Roach and Stumbo (3). The motion failed.

Item 8.1 Sewer Service, 797 Hillwood Avenue

It was moved by Commissioner Roach, seconded by Commissioner Thurman, that due to the serious public health hazard at 797 Hillwood Avenue, with raw sewage pouring out onto the ground surface in the

middle of a residential subdivision, it not appearing to be a situation caused or made worse by the present homeowner, and it appearing that the problem can be alleviated by a relatively short extension of an existing sewer main, that the Sewer Department be directed to make an appropriate extension of the existing sewer main to facilitate connection with the homeowner's lateral, contingent upon obtaining consent for all necessary easements without additional expense to the City; and as an addendum to the motion, that the City Manager in conjunction with the City's Sewer Department formulate and present to the Board of Commissioners for adoption a written policy which addresses such situations and clearly sets forth the respective responsibilities of the City and any property owner. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Thurman, Roach, Stumbo and Mayor May (4). Voting against the motion was Commissioner Bowers (1). The motion was thereupon adopted.

Citizen Comments:

Anne Gibbs, asked why Hillwood sewer service was approved when some in community have no sewer service, one who has no sewer service should take precedent over one which does;

Kathy Carter, Holmes Street Neighbors Association, and Parks & Recreation Director Steve Brooks reported on Capital Rally event; Ms. Carter thanked Board of Commissioners for its sponsorship.

Commissioner Comments:

Commissioner Bowers noted small turn out for review of 20-20 community survey and encouraged citizens participation in community studies/surveys.

It was moved by Commissioner Roach, seconded by Commissioners Stumbo, that the Board recess to closed session in accordance with KRS 61.810 (1), (b), to discuss property. The question was put upon the motion and unanimously adopted.

Meeting reconvened at 7:24 p.m.

There being no objection, meeting adjourned upon motion by Commissioner Roach, seconded by Commissioner Stumbo.

MAYOR

ATTEST:

CITY CLERK